

**2003 DRAFTING REQUEST****Bill**Received: **09/25/2003**Received By: **mshovers**Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**By/Representing: **Steve**This file may be shown to any legislator: **NO**Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Counties - zoning  
Munis - zoning**Extra Copies: **RPN**Submit via email: **YES**Requester's email: **Rep.Hubler@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Method of notifying town clerk of certain county zoning changes

**Instructions:**

See Attached. Allow county clerk to notify town clerk of zoning amendments by regular, instead of registered, mail. Require the town clerk to acknowledge receipt w/ a signed and dated admission of service.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 09/25/2003	jdye 10/28/2003 jdye 10/28/2003					Local
/1			jfrantze		sbasford	Inorthro	

12/08/2003 09:10:18 AM

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			10/28/2003	_____	10/28/2003	12/08/2003	

FE Sent For: *at intro*  
*12/11*

<END>

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10/28/2003 11:19:24 AM

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			10/28/2003 _____		10/28/2003		

FE Sent For:

<END>

09/25/2003 02:38:09 PM

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1/1	MES	10/28 JLD	10/27	10/27			

1/1 MES 9/25/03

FE Sent For:

&lt;END&gt;

MES  
2

# Bill Request Form

## Legislative Reference Bureau

100 N. Hamilton Street

Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date

9/24/03

Legislator, agency, or other person requesting this draft

Rep. Mary Hubler

Person submitting request (name and phone number)

Steve Engelbert 266-2519

Persons to contact for questions about this draft (names and phone numbers)

Steve

Describe the problem, including any helpful examples. How do you want to solve the problem?

done 3370/11 59.69(5)(e) Requires notices for zoning amendments to be sent by registered mail. Needless expense - See attached letter from Corp. Counsel -

Rep Hubler wants 2 bills drafted - One would permit notices to be sent by certified mail. The other would allow the town clerk to acknowledge receipt with a signed and dated admission of service. do this

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks?

YES NO

Any legislator?

YES NO

Only the following persons

Do you consider this request urgent?

YES NO

If yes, please indicate why

Should we give this request priority over any pending request of this legislator, agency, or person?

YES

NO

9/24/03 called

## OFFICE OF CORPORATION COUNSEL

BARRON COUNTY COURTHOUSE  
Room 207  
330 East LaSalle Avenue  
Barron, WI 54812  
Tel. (715) 537-6393  
Fax (715) 537-6277  
E-mail bccorp@co.barron.wi.us

Corporation Counsel  
John Muench

Deputy Corporation Counsel  
Robert P. Rogers

Confidential Secretary  
Judith Lansin

August 13, 2003

Representative Mary Hubler  
State Capitol  
P.O. Box 8952  
Madison, WI 53708

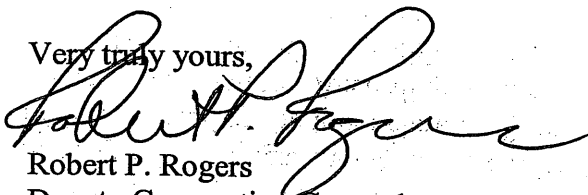
**RE: Amendment to Section 59.69, Wis. Stats.**

Dear Mary:

Perhaps you could take a look at the statute referenced above on one of your slow days – if there is such a thing. Section 59.69(5)(e) provides for amending zoning ordinances. Among other things, the statute provides that “a copy of the notice shall be mailed by registered mail to the town clerk . . .” In fact, “registered mail” is referenced a couple of times in that statute. According to our post office, registered mail is typically only used when something of a specific value is being mailed, e.g., cash bonds, negotiable instruments, etc. Registered mail fees start at \$7.50. I am having difficulty understanding the rationale for requiring registered mail. Generally, amendments to the zoning ordinance are requested by the property owner seeking to reclassify the zoning. These costs are borne by the property owner. It seems to me that certified mail, or better yet, an admission of service dated and signed by the town clerk would be more than sufficient. Admittedly, this is a small matter, but in this day and age, any money that can be saved by the taxpayer is appreciated. Please let me know if you have any thoughts on this.

By the way, Lynda and I have secured Badger tickets for the Akron game on September 6. Let me know if there is a place where you spend some time taking part in pre-game festivities.

Very truly yours,

  
Robert P. Rogers  
Deputy Corporation Counsel

be as if the agency were acting under the original directions. When enacted, duplicate copies of the ordinance shall be submitted by the clerk by registered mail to each town clerk for consideration by the town board.

(c) A county ordinance enacted under this section shall not be effective in any town until it has been approved by the town board. If the town board approves an ordinance enacted by the county board, under this section, a certified copy of the approving resolution attached to one of the copies of such ordinance submitted to the town board shall promptly be filed with the county clerk by the town clerk. The ordinance shall become effective in the town as of the date of the filing, which filing shall be recorded by the county clerk in the clerk's office, reported to the town board and the county board, and printed in the proceedings of the county board. The ordinance shall supersede any prior town ordinance in conflict therewith or which is concerned with zoning, except as provided by s. 60.62.

(d) The board may by a single ordinance repeal an existing county zoning ordinance and reenact a comprehensive revision thereto in accordance with this section. "Comprehensive revision", in this paragraph, means a complete rewriting of an existing zoning ordinance which changes numerous zoning provisions and alters or adds zoning districts. The comprehensive revision may provide that the existing ordinance shall remain in effect in a town for a period of up to one year or until the comprehensive revision is approved by the town board, whichever period is shorter. If the town board fails to approve the comprehensive revision within a year neither the existing ordinance nor the comprehensive revision shall be in force in that town. Any repeal and reenactment prior to November 12, 1965, which would be valid under this paragraph is hereby validated.

(e) The board may amend an ordinance or change the district boundaries. The procedure for such amendments or changes is as follows:

1. A petition for amendment of a county zoning ordinance may be made by a property owner in the area to be affected by the amendment, by the town board of any town in which the ordinance is in effect, by any member of the board or by the agency designated by the board to consider county zoning matters as provided in sub. (2) (a). The petition shall be filed with the clerk who shall immediately refer it to the county zoning agency for its consideration, report and recommendations. Immediate notice of the petition shall be sent to the county supervisor of any affected district. A report of all petitions referred under this paragraph shall be made to the county board at its next succeeding meeting.

2. Upon receipt of the petition by the agency it shall call a public hearing on the petition. Notice of the time and place of the hearing shall be given by publication in the county of a class 2 notice, under ch. 985. A copy of the notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area.

3. Except as provided under subd. 3m., if a town affected by the proposed amendment disapproves of the proposed amendment, the town board of the town may file a certified copy of the resolution adopted by the board disapproving of the petition with the agency before, at or within 10 days after the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

- 3m. A town may extend its time for disapproving any proposed amendment under subd. 3. by 20 days if the town board adopts a resolution providing for the extension and files a certified

copy of the resolution with the clerk of the county in which the town is located. The 20-day extension shall remain in effect until the town board adopts a resolution rescinding the 20-day extension and files a certified copy of the resolution with the clerk of the county in which the town is located.

4. As soon as possible after the public hearing, the agency shall act, subject to subd. 3., on the petition either approving, modifying and approving, or disapproving it. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the board with its recommendations. If the agency after its public hearing recommends denial of the petition it shall report its recommendation directly to the board with its reasons for the action. Proof of publication of the notice of the public hearing held by the agency and proof of the giving of notice to the town clerk of the hearing shall be attached to either report. Notification of town board resolutions filed under subd. 3. shall be attached to either such report.

5. Upon receipt of the agency report the board may enact the ordinance as drafted by the zoning agency or with amendment or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the agency in which case it shall refer the petition to the agency with directions to draft an ordinance to effectuate the petition and report the ordinance back to the board which may then enact or reject the ordinance.

- 5g. If a protest against a proposed amendment is filed with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning agency under subd. 4. is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on the ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If the statements are found to be true, the ordinance may not be enacted except by the affirmative vote of three-fourths of the members of the board present and voting. If the statements are found to be untrue to the extent that the required frontage or area ownership is not present the protest may be disregarded.

- 5m. If a proposed amendment under this paragraph would make any change in an airport affected area, as defined under 62.23 (6) (am) 1. b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning agency under subd. 4. is to be considered, no ordinance which makes such a change may be enacted except by the affirmative vote of two-thirds of the members of the board present and voting.

6. If an amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, or within 10 days under subd. 3. or 30 days under subd. 3i whichever is applicable, after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by the ordinance of the effective date and also insert the effective date in the proceedings of the county board. Any other amendatory ordinance when enacted shall within 7 days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by the ordinance are located. If after 40 days from the date of the enactment a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county clerk, or if, within a shorter time, a majority of the towns in which the ordinance is in effect has



## Shovers, Marc

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**From:** Engelbert, Steve  
**Sent:** Thursday, September 25, 2003 2:30 PM  
**To:** Shovers, Marc  
**Subject:** Hubler request clarification

Marc:

You asked what was meant by admission of service. Admission of Service is a legal form which is signed and dated by one who has been served a paper or notice. It is then sent back to whomever sent the paper or notice to the recipient. It is an acknowledgment of receipt. So apparently the town clerk would return the signed admission of service form to the county clerk. According to the Barron County Deputy Corp. Counsel, it is simply another way of serving a paper and getting acknowledgment. I have attached an example of the form. Pardon the fax cover sheet.

I hope that answers your question. If not, please call.

Steve Engelbert  
office of Representative Mary Hubler  
266-2519



State of Wisconsin  
2003 - 2004 LEGISLATURE

- 3375/1  
LRB-8270/1

MES 8/1.....

FRI  
10/31

JLR MMR

2003 BILL

Gen

- 1 AN ACT ...; relating to: changing the method by which a town clerk is notified of  
2 certain county zoning changes.

Admission of service to the  
county clerk

*Analysis by the Legislative Reference Bureau*

Currently, one of the methods by which a county board may amend a zoning ordinance or change the boundaries of a zoning district is by taking action following the receipt of a petition to amend a zoning ordinance from a property owner to be affected by the proposed amendment. Before the county board may act, it must call a public hearing on the petition. A copy of the notice for the hearing must be sent by registered mail to the town clerk of each town affected by the proposed amendment.

Also under current law, in general, if the county board amends a zoning ordinance that makes a change that is different from the change sought in the petition, the county clerk ~~shall~~ <sup>must</sup> submit by registered mail a copy of the enacted ordinance to the town clerk of each town affected by the proposed amendment.

*\* regular* Under this bill, the notice and the copy of the enacted ordinance may be sent by ~~certified~~ <sup>regular</sup> mail, and, upon receipt, a town clerk ~~shall~~ <sup>must</sup> send a signed and dated

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## BILL

SECTION 1. 59.69 (5) (e) 2. of the statutes is amended to read:

59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public hearing on the petition. Notice of the time and place of the hearing shall be given by publication in the county of a class 2 notice, under ch. 985. A copy of the notice shall be mailed ~~by registered~~ <sup>certified</sup> mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or operator of the airport bordered by the airport affected area.

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

SECTION 2. 59.69 (5) (e) 6. of the statutes is amended to read:

59.69 (5) (e) 6. If an amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved prior to, at or within 10 days under subd. 3. or 30 days under subd. 3m., whichever is applicable, after the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by the ordinance of the effective date and also insert the effective date in the proceedings of the county board. Any other amendatory ordinance when enacted shall within 7 days thereafter be <sup>✓</sup> submitted <sup>mailed</sup> in duplicate by the county clerk by registered <sup>certified</sup> mail to the town clerk of each town in which lands affected by the ordinance are located. <sup>and upon receipt, each town clerk shall send a signed and dated admission</sup> If after 40 days from the date of the enactment a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county

of service to the county clerk

**BILL**

1 clerk, or if, within a shorter time a majority of the towns in which the ordinance is  
2 in effect have filed certified copies of resolutions approving the amendment with the  
3 county clerk, the amendment shall be in effect in all of the towns affected by the  
4 ordinance. Any ordinance relating to the location of boundaries of districts shall  
5 within 7 days after enactment by the county board be transmitted by the county clerk  
6 by registered mail only to the town clerk of the town in which the lands affected by  
7 the change are located and shall become effective 40 days after enactment of the  
8 ordinance by the county board unless such town board prior to such date files a  
9 certified copy of a resolution disapproving of the ordinance with the county clerk. If  
10 such town board approves the ordinance, the ordinance shall become effective upon  
11 the filing of the resolution of the town board approving the ordinance with the county  
12 clerk. The clerk shall record in the clerk's office the date on which the ordinance  
13 becomes effective and notify the town clerk of all towns affected by such ordinance  
14 of such effective date and also make such report to the county board, which report  
15 shall be printed in the proceedings of the county board.

**History:** 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185; 2001 a. 16, 30, 50, 105.

**(END)**

**Northrop, Lori**

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**From:** Engelbert, Steve  
**Sent:** Monday, December 08, 2003 9:02 AM  
**To:** LRB.Legal  
**Subject:** LRB-3375/1 - notification of certain county zoning changes

Representative Hubler would like to introduce LRB-3375/1, which relates to changing the method by which a town clerk is notified of certain county zoning changes.

Steve Engelbert  
Office of Representative Mary Hubler

266-2519